

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 6/2/2015	(3) CONTACT/PHONE Art Trinidad, Code Enforcement / (805) 781-5705 Greg Camack, Code Enforcement / (805) 781-2006	
(4) SUBJECT Hearing to consider an order to abate nuisance on the property located at 4205 Templeton Road, Atascadero. District 5.			
(5) RECOMMENDED ACTION It is recommended that your Board approve the findings in Exhibit A and adopt the recommendations in Exhibit B.			
(6) FUNDING SOURCE(S)	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>30 min</u>) <input type="checkbox"/> Board Business (Time Est.)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 5			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Art Trinidad, Code Enforcement
Greg Camack, Code Enforcement

VIA: Cheryl Journey, Chief Building Official

DATE: 6/2/2015

SUBJECT: Hearing to consider an order to abate nuisance on the property located at 4205 Templeton Road, Atascadero. District 5.

RECOMMENDATION

It is recommended that your Board approve the findings in Exhibit A and adopt the recommendations in Exhibit B.

DISCUSSION

The item before your Board is a request to consider ordering an abatement of nuisances on the property known as 4205 Templeton Road, Atascadero, California (Exhibit G).

The Property is approximately 10 acres and has a land use category designation of Agriculture (AG). It is located on Templeton Road, in the North County Planning Area of El Pomar, Estrella Sub Area. Per a Grant Deed recorded on August 2, 1996 (Exhibit F), the property is solely owned by the June H. Collins (Respondent). The Respondent has been notified of the violations and of this hearing by means of a Notice of Violation, a Notice of Nuisance, and a Notice of Nuisance Abatement (Exhibits C, D, & E). The Notice of Nuisance and Notice of Nuisance Abatement have been recorded, mailed and posted in accordance with the provisions of (Chapter 22.74) of Title 22 of the San Luis Obispo County Code (County Code).

The nuisance consists of the improper outdoor storage of vehicles, junk, debris, trash, and other items in violation of:

County Code Section 22.30.040 F – Improper outdoor storage of junk, trash, materials, equipment, etc.; and County Code Section 22.30.040 C 3 – Outdoor vehicle storage.

INVESTIGATION SUMMARY

This property has been the subject of three prior enforcement cases for similar violations, the first in 2000, and then 2005 and 2011. Staff previously met with Respondent on site in 2012. In addition, staff has contacted Respondent on multiple occasions and attempted to work with her to bring the property into compliance. Although it initially appeared as though Respondent was attempting to bring the Property into compliance, she has ultimately failed to do so.

After receiving another complaint in 2014, staff opened a third enforcement case. Following a site inspection, staff issued a Notice of Violation, a Notice of Nuisance, and a Notice of Nuisance Abatement. Although all notices have been received (signed certified mail receipts) she has not complied with the orders or brought the property into compliance. In the four years, during which staff has been working with Respondent, there has been little or no improvement to the conditions on the property.

INVESTIGATION

Our goal is to bring properties into compliance with county codes and avoid nuisance abatement hearings. In this case we attempted to work with Respondent by giving her ample time to abate the violations. After receiving complaints about the property in 2000, 2005 and 2011, staff opened three cases on the Property. These cases were closed after improvement was noted. However, the Respondent did not complete the cleanup as promised and violations remain.

On November 12, 2014, staff again received complaints about the outdoor storage of vehicles, junk, debris, trash, and other items on the Property. The next day staff conducted an inspection of the Property from the public roadway. Staff saw trash build up, continued vehicle storage (which now seem to have increased in number) and the continued outdoor storage of materials, equipment, appliances and household furnishings. On November 24, 2014, staff mailed a Notice of Violation (NOV) to Respondent advising her of the violations (Exhibit C). The NOV instructed Respondent on the steps necessary to correct the violation and provided reasonable time to do so.

On December 31, 2014, staff again inspected the Property from the public roadway. This inspection revealed no apparent change in the number of stored vehicles or to the outdoor storage of other miscellaneous items.

On January 6, 2014, due to the lack of contact or progress on correcting the violations staff recorded a Notice of Nuisance (NON) (Exhibit D). The NON was subsequently mailed and posted at the property entrance in accordance with Title 22 of the County Code.

On February 17, 2015, staff again inspected this property from the public roadway. The condition of the property remained unchanged. Photos were taken and added to the case file.

On March 18, 2015, staff served and recorded a Notice of Nuisance Abatement (NONA) for the Property (Exhibit E). Staff served the NONA by sending copies to the Respondent at 4205 Templeton Road, Atascadero, California.

On May 14, 2015, staff site posted the NONA and reviewed the site for signs of compliance, but found none.

CONCLUSION

Respondent continues to maintain the property in violation of San Luis Obispo County Code. She has been legally noticed on numerous occasions and has signed for and accepted notices sent via certified mail. Respondent is the sole owner of the property. Despite two prior cases and over four years having elapsed since she was first notified, there has been little or no improvement to the Property. Consequently, staff recommends that your Board approve the findings in Exhibit A and adopt the Order in Exhibit B.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed the staff report, findings and order.

FINANCIAL CONSIDERATIONS

The financial considerations will be addressed in a separate Board of Supervisors hearing if Respondent fails to comply with the recommended order. In accordance with the provisions of County Code 22.74.150, staff will obtain an administrative warrant, conduct an inventory of the property and entertain proposals to abate the property of all nuisances.

Once a satisfactory proposal is chosen, staff will return to the Board of Supervisors to request funding for the abatement. After the abatement, a statement of costs will be presented to the Board at an additional hearing. Board approved costs, including staff and administrative time will be billed to Respondent, who will be allowed 30 days to pay the bill. Her failure to do so will result in the recordation of a lien on the assessment roll as a special tax assessment to her.

RESULTS

Approval of the findings in Exhibit A and adoption of the recommendations in Exhibit B will result in your Board finding that nuisance, as defined by County Code, exist on the Property and ordering a Nuisance Abatement.

Upon receipt of the signed Order of Abatement, the Respondent must perform according to the Order. If she does not, staff, with a judge ordered Administrative Warrant, will abate the Nuisance per the provisions of San Luis Obispo County Code 22.74.150 E, and all violations outlined in the staff report will be resolved.

ATTACHMENTS

1. Exhibit A: Findings
2. Exhibit B: Board Order
3. Exhibit C: Notice of Violation
4. Exhibit D: First Notice of Nuisance
5. Exhibit E: Second Notice of Nuisance Abatement
6. Exhibit F: Grant Deed
7. Exhibit G: Property Map